



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

BRAXTON C. DAVIS

Director

May 1, 2019

Tim White, Town Manager
Town of Indian Beach
1400 Salter Path Rd.
Indian Beach, NC 28512

CERTIFIED MAIL RETURN RECEIPT
REQUESTED and electronically:
admin@indianbeach.org

Stewart Pickett, Mayor
Town of Indian Beach
1400 Salter Path Rd.
Indian Beach, NC 28512

CERTIFIED MAIL RETURN RECEIPT
REQUESTED

Re: Certification of Amendment to the Town of Indian Beach's Core Land Use Plan

Dear Mayor Pickett and Mr. White:

Please find enclosed the written Final Agency Decision granting the Town of Indian Beach's request for certification of the first amendment to its Core Land Use Plan. Let me know if you have any questions.

Very truly yours,

Braxton C. Davis, Director
NC Division of Coastal Management

cc via email: M. Renee Cahoon, Chair
Mary L. Lucasse, Commission Counsel
Rachel Love-Adrick, Morehead City District Planner
Neil B. Whitford, Attorney



IN THE MATTER OF THE TOWN OF)
INDIAN BEACH'S REQUEST FOR)
CERTIFICATION OF THE FIRST)
AMENDMENT TO CORE LAND USE)
PLAN)

FINAL AGENCY DECISION

FACTS

1. The Town of Indian Beach (hereinafter the "Town") is located on Bogue Banks in eastern North Carolina in Carteret County and is bounded by Bogue Sound to the north, unincorporated areas of Carteret County to the east, the Atlantic Ocean to the south, and the Town of Emerald Isle to the west.

2. The Core Land Use Plan was certified by the Coastal Resources Commission (CRC) on November 30, 2007. There have been no amendments to the Town's Core Land Use Plan.

3. The Town is requesting certification of a text amendment to the Core Land Use Plan to amend the policy designated as "P.55" to strike language opposing the installation of package treatment plants and septic tanks or discharge of waste in any areas classified as natural heritage areas. The policy will be amended as follows: "The Town opposes the installation of package treatment plants and septic tanks or discharge of waste in any areas classified as coastal wetlands or freshwater wetlands (404).~~or natural heritage areas.~~ This policy does not apply to constructed wetlands."

4. The Town's Board of Commissioners held a duly advertised public hearing to consider the proposed amendment to the Core Land Use Plan and voted, by resolution to adopt the amendment on March 13, 2019. The public had the opportunity to provide written comments on the plan up to thirty (30) calendar days after local adoption. No comments were received.


CONCLUSIONS OF LAW

1. This amendment to the Town's Core Land Use Plan has met the substantive requirements outlined within the 2017 Land Use Plan Guidelines.
2. There are no conflicts evident in the first amendment to the Town's Core Land Use Plan with either state or federal law or the State's Coastal Management Program.
3. The elected body of the Town made a final decision on the contents of the Amended Core Land Use Plan and provided opportunity for the public to provide written comment following local adoption of the plan, as required by N.C.G.S. § 113A-110 and 15A NCAC 7B .0801 and .0802, and The Town's Amended Core Land Use Plan Land Use Plan was submitted to the NC Division of Coastal Management without written objection or comment from the public.
4. During its regularly scheduled meeting on November 7-8, 2017, the North Carolina Coastal Resources Commission delegated to the Director of the North Carolina Division of Coastal Management, Department of Environmental Quality, its authority to approve Land Use Plans pursuant to N.C.G.S. §113A-110(f). The conditions under which the delegation was made are included in the November 20, 2017 letter to Braxton Davis, Director from Commission Chair Renee Cahoon. Pursuant to that delegation, the undersigned makes the following decision.

DECISION

For the reasons stated herein, the Town of Indian Beach's request for certification of the amendment to its Core Land Use Plan is GRANTED.

This the 6th day of MAY 2019.



Braxton C. Davis, Director
N.C. Division of Coastal Management

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the attached **Final Agency Decision** on the Town of Indian Beach and the North Carolina Coastal Resources Commission by the means specified below:

Method of Service

Tim White, Town Manager
Town of Indian Beach
1400 Salter Path Rd.
Indian Beach, NC 28512

CERTIFIED MAIL RETURN RECEIPT
REQUESTED

and electronically admin@indianbeach.org

Stewart Pickett, Mayor
Town of Indian Beach
1400 Salter Path Rd.
Indian Beach, NC 28512

CERTIFIED MAIL RETURN RECEIPT
REQUESTED

Neil B. Whitford, Attorney
Kirkman, Whitford, Brady, Berryman &
Gordon, P.A.
Suite 105
710 Arendell Street
Morehead City, NC 28557

U.S. Mail and electronically:

nwhitford@kirkmanwhitford.com

M. Renee Cahoon, Chair
Coastal Resources Commission

Electronically: Renee.Cahoon@ncdenr.gov


Mary L. Lucasse
Commission Counsel
NC Coastal Resources Commission
PO Box 629
Raleigh, NC 27602

Electronically: mlucasse@ncdoj.gov

Rachel Love-Adrick, District Planner
Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557-3421

Electronically: rachel.love-adrick@ncdenr.gov

This is the 6th day of May 2019.


Angela Willis, Assistant to the Director